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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,733	11/21/2000	Kenichi Iga	056314/0002	6768

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EXAMINER

KAO, CHIH CHENG G

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/717,733

Applicant(s)

IGA ET AL.

Examiner

Chih-Cheng Glen Kao

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "if" in line 15 renders the claim indefinite because it is unclear whether the limitations with regards to the phrase are part of the claimed invention. For example, if the eccentric cam is never rotated beyond the set amount of elongation of the tension springs, then there would be no tension springs holding the block.

For purposes of examination, the claim will be interpreted as tension springs holding said block when said eccentric cam is rotated beyond the set amount of elongation of said tension springs.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunze (US Patent 4047283) in view of Schneider (US Patent 4377323) and Hensel (US Patent 4102717).

Kunze discloses a splicer (Figure 1) comprising a pair of optical fiber retaining means (Fig. 1, #4), moving a block (Fig. 2, #2, 3, and 16) for putting fibers in a V-shaped groove (Fig. 4, #2 and 3) to bring the ends into abutment for splicing (Fig. 3 and 4).

However, Kunze does not disclose abutment and pressure-contact means for sliding the end in mutually opposite direction with substantially equal elastic forces to bring the abutted ends into pressure contact, nor abutment means including a slide member with a first end to the undersurface of a block, a second end with a laterally extending arm, a shaft for adjusting the vertical position of the block, an eccentric cam coaxially fixed on the shaft, a base for supporting the cam, tension springs connected to the arm and base for energizing the slide member to the cam and holding the block when the cam is rotated beyond the set amount of elongation, and an adjustable stop for fine adjust of the position of the base.

Schneider teaches abutment and pressure-contact means (Fig. 1, #5, 6, and 9) for sliding the end in mutually opposite direction with substantially equal elastic forces (Figs. 1 and 2, "I" and "II") to bring the abutted ends into pressure contact (Figs. 1 and 2, and col. 5, lines 6-9).

Hensel teaches a slide member with a first end to the undersurface of a block (Fig. 4, #22), a second end with a laterally extending arm (Fig. 4, #27), a shaft for adjusting the vertical position of the block (Fig. 4, #24), an eccentric cam coaxially fixed on the shaft (Fig. 4, #25) with an adjustment stop for fine adjustment of the position of the base (Fig. 4, #23), a base for supporting the cam (Fig. 4, #6), and tension springs, with an amount of elongation capable of being set, for energizing the slide member to the cam (Fig. 5, #31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the abutment and pressure-contact means of Schneider with the device of Kunze, since one would be motivated to incorporate this so one may also splice fibers permanently connected to cladding or outer casing by a filling compound as well as implied from Schneider (col. 2, lines 16-30).

It would also have been obvious to one having ordinary skill in the art at the time the invention was made, to have the abutment means with the slide member, shaft, cam, and springs of Hensel with the device of Kunze, since one would be motivated to incorporate these components so one may be able to engage the grooved portion with the waveguides with equipment of simple construction and so one may easily use it with a minimum of prior training as implied from Hensel (col. 1, lines 7-15, and col. 2, lines 50-55).

It would also have been obvious to one having ordinary skill in the art at the time the invention was made, to have the tension springs connected to the arm and base or any other arrangement of component for holding components with the suggested device of Kunze in view of Schneider and Hensel, since rearranging parts of an invention involves only routine skill in the art. Note that springs are placed in a variety of locations to aid in supporting components together (Fig. 1, #39, Fig. 3, #39 and 40, Fig. 5, #31, and Fig. 6, #46). It would have been within routine skill in the art to rearrange and place more springs in locations for the purpose of supporting components in relationship to each other as implied from Hensel (see all Figures with springs).

*Response to Arguments*

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

With regards to Hensel, tension springs for various functions is obvious as explained above. Furthermore, Hensel does describe a knob for adjusting the position of the base (Fig. 4, #23) in relation to the block holding the groove.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (703) 605-5298. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (703) 308-4858. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



gk  
August 6, 2003



DAVID V. BRUCE  
PRIMARY EXAMINER